

Regulatory Guidance Letter 88-05

SUBJECT: Applicant Responsibility for Providing

DATE: May 16, 1988

EXPIRES: December 31, 1990

The purpose of this guidance is to ensure that unnecessary Corps expenses are not incurred as part of the permit evaluation process.

Applicants are responsible for providing all information that the district engineer determines is essential for the decision on the permit request 33 CFR 325.1(e). There may be situations, however, based on the applicant's capabilities and/or the ease with which the Corps or another agency could provide the needed information, that it would be appropriate for the Corps or other agency to provide the essential information on behalf of the applicant.

The Corps is responsible for the analysis, coordination, verification, jurisdictional determinations, documentation, and other procedures required by applicable laws and regulations. But there is no restriction against applicants or potential applicants voluntarily providing the data needed for fulfilling those responsibilities. For example, an applicant or potential applicant may submit a map of the limits of jurisdictional wetlands based on delineation techniques prescribed by the district engineer.

While it is important that district engineers avoid expenses more properly borne by the applicant, it is also important not to burden applicants with requests for information not essential in making a decision. The 7 May 1982 directive of the President's Task Force on Regulatory Relief required the Corps to "revise the application process to ensure that only the minimum necessary information is received at the outset, to clarify what is required of applicants, and to limit requests for additional information to that essential for a complete record of the decision."

Regulatory Guidance Letter 87-5 provides guidance on environmental impact statement costs that can be paid by the applicant.

This guidance expires 31 December 1990 unless sooner revised or rescinded.